IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 319 OF 2004

AND

APPEAL NO. 392 OF 2004

AND

APPEAL NO. 456 OF 2004

APPEAL NO. 319 OF 2004

IN

WRIT PETITION NO. 555 OF 2004

Association of Engineering Workers ...Appellant

(Orig. Petitioner)

Versus

Metal Box India Ltd. ...Respondent

(Orig.Respondent)

Mr. N.M.Ganguli for the appellant.

Mr. K.S.Bapat i/b. Gagrats for Respondent.

Mr. Mayur Bhojwani i/b. M.K.Ambalal & Co. for

Applicant in Chamber Summons No.947/2004.

WITH

APPEAL NO. 392 OF 2004

IN

WRIT PETITION NO. 1157 OF 2004

Metal Box India Ltd. ..Appellant
(Orig. Petitioner)

Versus

Valmik S. Salve & Ors. ..Respondents
(Orig. respondents)

Mr. K.S.Bapat i/b. Gagrats for the appellant.
Mr. N.M.Ganguli for Respondents.

WITH

APPEAL NO. 456 OF 2004

IN

WRIT PETITION NO. 555 OF 2004

Mexal Box India Ltd. .. Appellant

Versus

Association of Engineering Workers
& Anr. .. Respondents

Mr. K.S.Bapat i/b. Gagrat & Co. for Appellant.
Mr. N.M.Ganguli for Respondent No.1.
Mr. K.V.Kamat for Respondent No.2.

CORAM: D.K.DESHMUKH &

J.H.BHATIA,JJ.

DATE : 13th August, 2007.

P.C.

1. These Appeals are not on board for final hearing. By consent of the parties, they are taken on board and by consent of the parties, the Appeals are disposed of in the following terms :-

(i) The gratuity dues deposited by the employer - Metal Box India Limited as per recovery certificates with the Controlling Authority pursuant to the order dated 3.5.2002 passed in Writ Petition No.2732 of 2001 shall be permitted to be withdrawn by the workmen concerned in that Writ Petition as per the certificates issued by the Controlling Authority without insisting on any security or any undertaking after the expiry of the period of 8 weeks from today.

(ii) The employer - Metal Box India Ltd. may apply, if they are so advised and if the law so permits, either in Writ Petition No.2732 of 2001 or in Appeal No.533 of 2006, for appropriate order.

(iii) It is made clear that in case the employer -

Metal Box India Ltd. is not able to secure an order restraining the Controlling Authority from permitting the workmen concerned in Writ Petition No.2732 of 2001 from withdrawing the gratuity dues as per recovery certificates deposited by the company pursuant to this order, the Controlling Authority shall permit wihdrawal as directed above.

All the Appeals are disposed of.

2. In view of the order made in the Appeals, the Notices of Motion No.1814 of 2004 and 1897 of 2004 do not survive and they stand disposed of. The Chamber Summons No.947 of 2004 also stands disposed of.

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(D.K.DESHMUKH,J.)

(J.H.BHATIA,J.)